

TRAVL9.017A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin R. Schiff, et al.

Group Art Unit <sup>3629</sup> 2166

Appl. No. : 09/728,583

Filed : December 1, 2000

For : SYSTEMS AND METHODS  
OF COMPARING PRODUCT  
INFORMATION

Examiner : Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

August 24, 2001  
James B. Bear, Reg. No. 25,221

RECEIVED

AUG 29 2001

OFFICE OF PETITIONS

**DECLARATION UNDER 37 C.F.R. § 1.47(a) BY JAMES B. BEAR  
REGARDING NONSIGNING INVENTOR PAUL COLANGELO**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, James B. Bear, declare and state the following:

1. I am a patent attorney at Knobbe, Martens, Olson and Bear, LLP, which represents Travel Services International, Inc. ("Travel Services International") with regard to certain intellectual property matters.

2. I am informed and believe that Martin Schiff, Kathleen Sussman-Wiles, Vivian Ewart, Wallace Huff, Byron Berk, Maureen Elenberger, Timothy Fessenden, Paul Fitton, Vance Loiselle, Michael Carpenter, Michael Sherota, Elizabeth Judy, Elena Rodriguez, Holley Christen, Mitch Cox, Todd Elliott, Kevin Helms, Adolf Quintana, Dot Tolle, Nancy Porter, Karen Reynolds, Monica Scanlon, Paul Colangelo, Tracey Codd, Joanell DeLand, Timothy Moorhead, Anne D. Burkard, George DelPino, Joelle Delva, Sharon Everhart-Brooks, Bradley Ferguson, David Forman, Samuel Hintz, Irwin Klotz, Courtney Kurk, Keith Leslie, Sandi Levy, Fred

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Locicero, Charlotte Luna, Jeffrey Nickerson, and Maryann Bastnagel are joint and co-inventors in the above-referenced U.S. patent application.

3. I am informed and believe that at the time of the activities leading up to the invention of the subject matter of the above-referenced U.S. patent application, Paul Colangelo was a consultant at PricewaterhouseCoopers hired by Travel Services International to do technical work.

4. I am informed and believe that Paul Colangelo participated in a project to develop systems and methods of comparing product information on behalf of Travel Services International.

5. The last address of Paul Colangelo, known to me, is:

67 Laura Drive  
Airmont, NY 10952.

6. On December 13, 2000, I had a letter sent by Federal Express Priority Overnight Service to Paul Colangelo, 67 Laura Drive, Airmont, NY 10952. The letter included a copy of the above-referenced U.S. patent application, a Declaration by Inventors for the application, and an Assignment form for the application. The letter asked Paul Colangelo to sign the enclosed Declaration by Inventors, sign and notarize the Assignment form, and to return the papers to me. A copy of the delivery documentation, the letter, and the enclosures relating to the above-reference patent application are attached hereto as Exhibit A and are incorporated herein by reference.

7. On April 5, 2001, I sent a letter by Federal Express Standard Overnight Service to Paul Colangelo, 67 Laura Drive, Airmont, NY 10952. The letter was a follow-up to the December 13, 2000 letter and contained additional copies of the Declarations by Inventors and Assignments. Paul Colangelo was asked to complete the forms per the instructions in the prior letter and return to me in a provided Federal Express envelope. A copy of the delivery documentation and the letter are attached hereto as Exhibit B and are incorporated herein by reference.

8. On April 25, 2001, I sent a third letter via Federal Express Priority Overnight Service to Paul Colangelo, 67 Laura Drive, Airmont, NY 10952. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter urged Paul Colangelo to sign and notarize the Declaration and Assignment and return them to me or notify me why Paul

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Colangelo was unwilling to sign the Declaration and Assignment. A copy of the delivery documentation and the letter are attached hereto as Exhibit C and are incorporated herein by reference.

9. On July 20, 2001, I sent a fourth and final letter via U.S.P.S. Certified Mail Service to Paul Colangelo, 67 Laura Drive, Airmont, NY 10952. I received confirmation from the U.S.P.S. that the letter was delivered July 26, 2001 and signed for by Paul Colangelo. The letter was a follow-up to both the December 13, 2000 and April 5, 2001 letters. The letter informed Paul Colangelo that I had not received any contact from him regarding the prior letters. Further, the letter acknowledged that Paul Colangelo's lack of response to the prior letters evidenced his refusal to sign the Declaration and Assignment. The letter also notified Paul Colangelo that I would be forced to file the formal documents for the above-referenced application without his signature. A copy of the delivery documentation and the letter are attached hereto as Exhibit D and are incorporated herein by reference.

10. On July 31, 2001, I instructed Amy C. Christensen, a patent attorney at Knobbe, Martens, Olson, and Bear, LLP, to contact DataSearch via e-mail and request that a "Discovery Plus Search" be conducted to determine the current address for Paul Colangelo. I was notified via e-mail that the request been entered. A copy of this e-mail is attached hereto as Exhibit E and is incorporated herein by reference.

11. On August 16, 2001, I was forwarded an email from DataSearch sent on August 3, 2001 at 11:44 am regarding the search results for Paul Colangelo. The search company found that the results indicated he is the owner of the property at 67 Laura Drive, Monsey, NY 10952 with a phone number of (845) 356-5759. A copy of this e-mail is attached hereto as Exhibit F and is incorporated herein by reference.


12. On August 9, 2001, I was copied on an e-mail from Rexford Johnson, a Summer Associate at Knobbe, Martens, Olson & Bear, LLP, sent August 9, 2001 at 5:39 p.m. regarding his telephone conversation with Paul Colangelo on August 9, 2001 in which Paul Colangelo indicated that he has elected not to sign the declaration or assignment documents. A copy of this e-mail is attached hereto as Exhibit G and is incorporated herein by reference.

13. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that these statements were made with the knowledge that willful false statements and the like so

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made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8/23/01

By:   
James B. Bear

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